

REMARKS

Entry of this Request for Reconsideration is proper because it does not raise any new issues requiring further search by the Examiner, narrows the issues on appeal, and is believed to place the present application in condition for immediate allowance.

Claims 2-17, 22, 24-39, 44, 45, and 47-51 are all the claims presently pending.

Claims 1, 23, and 52-55 stand canceled without prejudice or disclaimer.

Turning to the present Office Action, claims 2-17, 22, 24-39, 44, 45, and 47-51 stand rejected under 35 U.S.C. § 101.

Claim 17 stands rejected under 35 U.S.C. § 112, first paragraph.

Claims 2-10, 22, 24-32, 44, 45, and 47-51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fox (U.S. Publication No. 2003/0130998) in view of newly cited Egendorf (U.S. Patent Publication No. 2003/0177111A1).

Claims 11-17 and 33-39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fox in view of Egendorf, and further in view of Egger (U.S. Patent No. 6,233,571).

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

Applicant's invention, as disclosed and claimed (e.g., as exemplarily defined in independent claim 1) is directed to a computer-implemented method (and system) of indexing data blocks according to a collection of subject words, which includes constructing a N-dimensional coordinate space, wherein N is a cardinality of the collection of subject words.

Independent claims 22, 23, 44, 45, and 47 recite combinations which include the above limitation that N is a cardinality of the collection of subject words.

With these aspects, the invention provides a new navigation pattern of the present invention which is referred to herein as “*Spatial Navigation*” (see application at pages 12-13). It is noted that this navigation model is not limited to the navigation of data in the Web, which implies the traversal of HTML links. It can be used in any kind of data base. Further, it can also be used to navigate documents in the World Wide Web *without* relying on the traversal of Web links.

Thus, in the invention, a method (and system) are provided in which data blocks are organized according to a spatial function derived from the metadata and hyperlink information which is contained within each block.

The spatial function used in the data organization method is exemplarily derived from a distance function which represents a measure of the relevance of any two data blocks indexed in the system. This method has applications in the fields of data mining and information retrieval and can also assist in the navigation and retrieval of data blocks stored in the World Wide Web (WWW).

Thus, for example, the invention allows mapping any document into a spatial coordinate such that the spatial coordinate can be viewed according to the content of the document. If two documents are in close proximity in the physical plane, then the two documents are related (e.g., relevant to one another). Thus, the search engine operates by mapping into spatial coordinates all of the pages which are taken in (e.g., via a crawler

process scanning Web pages or the like, etc.), and calculates the coordinates of the page in the spatial plane.

Hence, when a user poses a query for some page, the system begins at the insertion point and “inserts” the user into this virtual space in a certain coordinate according to the search criteria that was stipulated. At this time, the new paradigm for retrieving the document in the spatial plane according to the invention is performed such that a radius is calculated from the insertion point (based on the search criteria) and a proximity list is generated. The proximity list indicates the document(s) which are adjacent (near the spatial plane/coordinates) the insertion point.

It is noted that the invention uses a term-by-document matrix, but now with the present invention every row is associated with each other. In contrast, the rows in the conventional techniques are looked at in isolation (e.g., look at “IBM” alone and determine which documents have high counts, look at a second row for “XYZ” and determine which documents have a high score, etc.). However, as discussed below, the invention relates every row to one another.

For example, as discussed in the application at page 12, assuming a first row is “IBM”, a second row is “Patents”, a third row is “filed”, and a fourth row is “Sun”.

In such an example, a page which relates to IBM and patents, would have a very low count. However, if a second page included all of the patents in the world, then the count would be very high since not only IBM’s patents are being looked at.

However, because the count for the word “Sun” is higher in the second page, this makes the second page more distant than the first page which related only to IBM. Thus, the

invention uses terms, not necessarily asked for, to relate any two documents. Thus, a direction of a user's interest can be measured by correlating all of the terms used.

Such features as defined by the claimed invention are not taught or suggested by any other prior art of record.

II. REJECTION UNDER 35 U.S.C. § 101

Claims 2-17, 22, 24-39, 44, 45, and 47-51 stand rejected under 35 U.S.C. § 101.

The Examiner alleges that the claimed invention is directed to non-statutory subject matter.

Specifically, the Examiner alleges that the claimed invention is abstract idea, which is not "real world" results. The Examiner further alleges that the claims are not producing tangible results due to performing mathematical processes, the processes consisting solely of mathematical operations do not manipulate appropriate subject matters. (Benson, 409 U.S. at 71-72, 175 USPQ at 676). Thus, the Examiner asserts that the type of mathematical subject matter does not entitle to patent protection or cannot constitute a statutory process.

First, the Examiner provides no explanation of the basis for the rejection of these claims. Therefore, Applicant respectfully submits that the Examiner clearly has not established a *prima facie* case, with respect to 2-17, 22, 24-39, 44, 45, and 47-51.

Indeed, Applicant respectfully submits that the Examiner's statements above amount to mere conclusory statements. That is, the Examiner has not explained *how* or *why* each of the claims (i.e., claims 2-17, 22, 24-39, 44, 45, and 47-51) are believed to be directed to non-statutory subject matter.

Indeed, the Examiner also does not appear to have followed the U.S. Patent Office Interim Guidelines with respect to making a determination of patentable subject matter.

Thus, the Examiner has not established a *prima facie* case under 35 U.S.C. § 101.

For at least the foregoing reasons, the rejections of claims 2-17, 22, 24-39, 44, 45, and 47-51 should be withdrawn.

Second, notwithstanding the above, Applicant submits that claims 2-17, 22, 24-39, 44, 45, and 47-51) are directed to statutory subject matter under 35 U.S.C. § 101, in accordance with the substantive law, and also in view of the interim guidelines published by the U.S. Patent and Trademark Office.

The Examination Guidelines state that they are based on the USPTO's current understanding of the law and are believed to be fully consistent with binding precedent of the Supreme Court, the Federal Circuit and the Federal Circuit's predecessor courts.

It is noted that the Guidelines do not constitute substantive rulemaking and hence do not have the force and effect of law. However, the Guidelines have been designed to assist USPTO personnel in analyzing claimed subject matter for compliance with substantive law. Rejections will be based upon the substantive law and it is these rejections which are appealable. Consequently, any failure by USPTO personnel to follow the Guidelines is neither appealable nor petitionable.

It is noted that the Guidelines set forth the procedures USPTO personnel will follow when examining applications and instruct USPTO personnel to rely on these Guidelines in the event of any inconsistent treatment of issues between these Guidelines and any earlier provided guidance from the USPTO.

To summarize the Interim Guidelines:

1) DOES THE CLAIMED INVENTION FALL WITHIN ONE OF THE FOUR CATEGORIES OF INVENTION?

USPTO personnel must first identify whether the claim falls within one of the four enumerated statutory categories of patentable subject matter recited in section 101: process, machine, manufacture, or composition of matter.

35 U.S.C. §101 reads: “Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.”

It is noted that, if the examiner can establish that a claim does not fall into a statutory category, such does *not* preclude complete examination for all other conditions of patentability. Instead, a complete examination for all other conditions of patentability must occur.

2) DOES THE CLAIMED INVENTION FALL WITHIN A JUDICIAL EXCEPTION?

Claims directed to nothing more than abstract ideas (such as mathematical algorithms), natural phenomena, and laws of nature are not eligible and therefore are excluded from patent protection.

Despite the apparent sweeping breadth of 35 U.S.C. § 101, and the often quoted “anything under the sun that is made by man.” statement made by the Supreme Court in Diamond v. Chakrabarty, 447 U.S. 303, 308-09, 206 USPQ 193, 197 (1980), the Supreme

Court has identified three judicial exception categories of nonstatutory subject matter: i) Laws of nature, ii) Natural phenomena, and iii) Abstract ideas.

If a judicial exception is found in the claim, further analysis under § 101 is required. The claim must fall within a statutory category and meet the other conditions of § 101.

Even if the examiner can establish that a judicial exception is found in the claim, further analysis is required to determine whether a practical application of the exception is being claimed and whether preemption applies.

3) DOES THE CLAIMED INVENTION PROVIDE A PRACTICAL APPLICATION?

To be patent eligible, claims including limitation(s) that set forth subject matter excluded by a judicial exception must be for a practical application, e.g. of an abstract idea, law of nature, or natural phenomenon.

There are two ways to provide a practical application of a judicial exception: i) Physical Transformation, OR ii) Produce A Useful, Concrete, and Tangible Result.

i) Physical Transformation: The claimed invention transforms an article or physical object to a different state or thing.

It is noted that, even if a judicial exception is a limitation of the claimed invention, e.g. a law of nature, if it is applied in the physical transformation, a practical application is provided. Inclusion of a judicial exception as a limitation of a claimed invention does not preclude the claim from being statutory *where the claim as a whole is directed to a practical application* because a physical transformation has taken place. Hence, the claim still needs to be checked to determine if it meets the utility requirement under 35 U.S.C. § 101.

ii) Useful, Concrete, Tangible Result

If no physical transformation appears in the claim, then the next step in the analysis is to determine if the claim is otherwise directed to a useful, concrete and tangible result. The focus is on the result of the claim as a whole, not the individual steps or structure used to produce the result. A useful, concrete and tangible result must be either specifically recited in the claim or flow inherently therefrom.

To flow inherently therefrom, it must occur. If there is a reasonable exception or it is merely likely that it would occur, it does not “flow inherently therefrom” and the claim would need to be amended to specifically recite the result.

a) “Useful” Result

When no physical transformation is found, the first factor of the second test for practical application is a determination of whether the claimed invention produces a useful result. For an invention to be “useful” it must satisfy the utility requirement of section 101.

The USPTO’s official interpretation of the utility requirement provides that the utility of a claimed invention has to be (i) specific, (ii) substantial and (iii) credible. See MPEP 2107.

Determining whether the claimed invention is specific, substantial and credible also requires evaluation of the specification and knowledge in the art, hence the need for the prerequisites of determining what applicant invented and conducting a thorough search prior to analysis under 101.

When checking the disclosure to determine what applicant invented, a complete disclosure should contain some indication of why the claimed invention is useful.

If the specification discloses a practical application of a 101 judicial exception, but the claim is broader than the disclosure such that it does not require a practical application, then the claim must be rejected.

If the claimed invention does not produce a useful result, i.e. fulfill any of the disclosed utilities, determine if any utility of the claimed result would have been recognized by those in the art as being specific, substantial and credible.

If no utility for the result would have been recognized, then the claim must be rejected as non-statutory for failing to comply with 35 U.S.C. § 101, i.e., not providing a useful, concrete and tangible result.

b) “Concrete” Result

The second factor in this test for practical application is a determination of whether the claimed invention produces a concrete result. Usually, a claimed invention is not concrete when a result cannot be assured or is not reproducible. In other words, the process must have a result that can be substantially repeated. Note that the focus is on the result, not the steps themselves.

For example, concrete data processing steps could still produce an unrepeatable result if the data being processed is subjective. However, the mere fact that the result is an estimate, prediction or other approximation that may not ultimately be found to be accurate is not a determinative factor for concreteness. Thus, an assured result refers to repeatability and ability to achieve a result rather than ultimate accuracy of the result.

As with the useful test, the prerequisites of determining what applicant invented and conducting a thorough search prior to analysis under 101 are needed in order to ascertain whether a particular result can be assured.

c. “Tangible” or “Real world” Result

The third and final factor in this test for practical application is a determination of whether the claimed invention produces a tangible result. The tangible requirement does not necessarily mean that a claim must either be tied to a particular machine or apparatus, or must operate to change articles or materials to a different state or thing.

To be tangible the claim must recite more than a § 101 judicial exception, in that the process claim must set forth a practical application of that § 101 judicial exception to produce a real-world result.

**4) DOES THE CLAIMED INVENTION WHOLLY PREEMPT ALL
SUBSTANTIAL APPLICATIONS OF A JUDICIAL EXCEPTION?**

Even if the claimed invention recites a seemingly practical application of a judicial exception (for instance an abstract idea or mathematical formula), the Examiner must ensure that the claim does not in reality seek patent protection for every substantial practical application of the claimed judicial exception. That would be, in effect, a patent on the abstract idea itself.

A claim may not preempt abstract ideas, laws of nature or natural phenomena. Further, a claim may not preempt every “substantial practical application” of an abstract idea, law of nature or natural phenomena because it would in practical effect be a patent on the judicial exceptions themselves. Thus, even though a practical application is found in the

claim, it must be determined if every “substantial practical application” is being claimed. If every substantial practical application is being claimed, the claim is non-statutory under 101.

THE CLAIMED INVENTION

Turning to the claimed invention, independent claim 2 recites a computer-implemented method of indexing data blocks according to a collection of subject words of the data blocks, including:

constructing a N-dimensional coordinate space, wherein N is a cardinality of the collection of subject words of the data blocks; and traversing data block links leading to discovery of cross-subject affinities.

Thus, claim 2 falls within one of the four enumerated statutory categories of patentable subject matter recited in section 101, since it defines a process.

Next, claim 2 does not fall within a judicial exception because a practical application of the exception is being claimed and preemption does not apply. As mentioned above, a practical application results, for example, if the claimed invention “transforms” an article or physical object to a different state or thing; or if the claimed invention produces a useful, concrete and tangible result.

Claim 2 clearly is directed to a useful, concrete and tangible result, when viewed as a whole. In fact, claim 2 specifically recites the useful, concrete and tangible result in the claim.

That is, claim 2 recites “*traversing data block links leading to discovery of cross-subject affinities*” (emphasis added).

The present application clearly explains the important advantages of such a result of discovery such cross-subject affinities, which includes reducing the latency with which documents can be retrieved from remote network systems, such as the World Wide Web, etc. (e.g., see specification at page 10, lines 9-11).

Even assuming *arguendo* that such does not specifically recite a useful, concrete, and tangible result in the claim, such a useful, concrete, and tangible result clearly would flow inherently therefrom.

Indeed, in rejecting the claims of the application, the Examiner specifically acknowledges such a useful, concrete, and tangible result.

That is, at page 5, first paragraph, of the present Office Action, the Examiner's stated motivation for combining the cited references acknowledges a useful, concrete, and tangible result of providing the ability to "search for information in a plurality of information sources and searching databases on the Internet, thereby, solving the problem of finding current information in an increasingly broad, large scale in the Internet network.".

Thus, Applicant submits that claim 2 clearly is directed to statutory subject matter under 35 U.S.C. § 101, in accordance with a proper analysis of the substantive law in conformance with the interim guidelines published by the U.S. Patent and Trademark Office.

Somewhat similarly, independent claim 22 recites a computer-implemented method for indexing a database, including, *inter alia*, "traversing data block links leading to discovery of cross-subject affinities" (emphasis added).

Independent claim 24 recites a computer system for indexing data blocks according to a collection of subject words, including, *inter alia*, a construction unit for “*traversing data block links leading to discovery of cross-subject affinities*” (emphasis added).

Independent claim 44 recites a computer system for indexing a database, including, *inter alia*, a construction unit for “*a measuring unit for measuring a distance function between data blocks, wherein said distance function is representative of an affinity between two data blocks*” (emphasis added).

Independent claim 45 recites a computer-readable medium tangibly embodying a program of recordable, machine- readable instructions executable by a digital processing apparatus to perform a computer-implemented method of indexing data blocks according to a collection of subject words, the method including, *inter alia*, “*traversing data block links leading to discovery of cross-subject affinities*” (emphasis added).

Independent claim 47 recites a computer-readable medium tangibly embodying a program of recordable, machine- readable instructions executable by a digital processing apparatus to perform a computer-implemented method of indexing a database, the method including, *inter alia*, “*traversing data block links leading to discovery of cross-subject affinities*” (emphasis added).

Thus, Applicant submits that claims 22, 24, 44, 45, and 47 also clearly are directed to statutory subject matter under 35 U.S.C. § 101, in accordance with a proper analysis of the substantive law and in conformance with the interim guidelines published by the U.S. Patent and Trademark Office.

For the foregoing reasons, Applicant respectfully submits that claims 2-17, 22, 24-39, 44, 45, and 47-51 clearly are directed to statutory subject matter under 35 U.S.C. § 101.

Therefore, the Examiner is requested to reconsider and withdraw the rejection of these claims.

Claims 45 and 47

Notwithstanding the above, Applicant also submits that claims 45 and 47 clearly are directed to patentable subject matter, for at least the following additional reasons.

With respect to claims 45 and 47, the Examiner states that: “a computer-readable medium as in specification (page 43 or section 0208 of patent publication application (Pub. No.: US 2003/0004996 A1)) is a signal-bearing media including transmission media such as digital and analog and communication links and wireless, from which is also non-statutory subject matter” (see Office Action at page 2).

First, Applicant submits that the Examiner is not considering the actual language of the claims.

That is, claims 45 and 47 clearly do not merely recite a “computer-readable medium as in specification (page 43 or section 0208 of patent publication application (Pub. No.: US 2003/0004996 A1)) is a signal-bearing media including transmission media such as digital and analog and communication links and wireless”, as alleged by the Examiner.

Applicant notes that the Examiner properly should consider the actual language of the claims, and not improperly read other limitations into the claims which are not recited in the claims.

In contrast to the Examiner's statement above, claim 45 clearly recites a "computer-readable medium tangibly embodying a program of recordable, machine-readable instructions executable by a digital processing apparatus to perform a computer-implemented method of indexing data blocks according to a collection of subject words" (emphasis added).

Somewhat similarly, claim 47 recites a "computer-readable medium tangibly embodying a program of recordable, machine-readable instructions executable by a digital processing apparatus to perform a computer-implemented method of indexing a database" (emphasis added).

Claims 45 and 47 clearly fall within one of the four statutory categories under 35 U.S.C. § 101, since claims 45 and 47 are directed to a manufacture (e.g., memory, computer-readable medium) having instructions stored in or on it for causing steps to be performed when the instructions are executed.

Claims 45 and 47 are not directed to a signal, per se, but instead, are directed to a computer-readable medium.

Indeed, in the rejection, the Examiner acknowledges that claims 45 and 47 are directed to a "medium", but then asserts that the computer-readable medium is a signal-bearing medium including transmission media such as digital and analog and communication links and wireless (e.g., see Office Action at page 2).

However, as mentioned above, claims 45 and 47 are not directed to a signal, per se, but instead, clearly are directed to the recordable computer-readable medium.

Moreover, Applicant respectfully submits that claims 45 and 47 produce a new and useful, concrete, and tangible result, for somewhat similar reasons as the claims above.

For the foregoing reasons, Applicant respectfully submits that claims 45 and 47 clearly are directed to statutory subject matter under 35 U.S.C. § 101. Therefore, the Examiner is requested to reconsider and withdraw the rejection of these claims.

III. REJECTION UNDER 35 U.S.C. § 112

Claim 17 stands rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

The Examiner alleges that claim 17 “contains subject matter, which does not enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Because at the same time traversing by using hypertext link and by not using hypertext links, it cannot do simultaneously” (see Office Action at page 3; emphasis added).

First, Applicant notes that claim 17 clearly does not recite “at the same time traversing by using hypertext link and by not using hypertext links”, or for that matter, that such is performed “simultaneously”, as alleged by the Examiner. Applicant notes that the Examiner properly should consider the actual language of the claims, and not improperly read other limitations into the claims which are not recited in the claims.

In contrast to the Examiner’s statement above, claim 17 clearly recites that the “*data blocks are selectively traversable by using hypertext links and by not using hypertext links*” (emphasis added).

Second, Applicant notes that, as ample case law has held, the test for enablement is whether one of ordinary skill in the art could practice (e.g., make and use) the invention (e.g., the claimed invention), without undue experimentation.

Clearly, one of ordinary skill in the art could practice (e.g., make and use) the invention (e.g., the claimed invention) of *selectively traversing* by using hypertext links and by not using hypertext links, without undue experimentation (e.g., see specification at page 15, lines 8-13; page 20, lines 1-9).

That is, one of ordinary skill in the art clearly would not consider the phrase “*selectively traversable by using hypertext links and by not using hypertext links*” to mean “simultaneously traversing”, as alleged by the Examiner.

Thus, Applicant submits that one of ordinary skill in the art could practice (e.g., make and use) the invention (e.g., the claimed invention) of *selectively traversing* by using hypertext links and by not using hypertext links, without undue experimentation (e.g., see specification at page 15, lines 8-13; page 20, lines 1-9).

Indeed, the Examiner has not explained *why* one of ordinary skill in the art could not practice (e.g., make and use) the claimed invention of *selectively traversing* by using hypertext links and by not using hypertext links, without undue experimentation. Again, the actual language of the claims properly should be considered, and other limitations should not improperly be read into the claims.

Moreover, it is incumbent on the Examiner to identify what information is believed to be missing and why one skilled in the art could not supply the missing information without undue experimentation (e.g., see M.P.E.P. § 2164.04 and § 2164.06(a)). Applicant

respectfully submits that the Examiner's conclusory statements do not meet the basic requirements for establishing a *prima facie* case of lack of enablement.

Moreover, claim 39 recites somewhat similar features as claim 17, but has not been rejected under 35 U.S.C. § 112, first paragraph. Thus, claim 17 also should not have been rejected under 35 U.S.C. § 112, first paragraph.

Therefore, the Examiner is requested to reconsider and withdraw the rejection of claim 17.

IV. THE PRIOR ART REJECTIONS

A. Claims 2-10, 22, 24-32, 44, 45, and 47-51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fox in view of Egendorf.

Applicant respectfully submits that there are features of the claimed invention which are not disclosed or suggested by Fox and Egendorf, either individually or in combination. Therefore, Applicant respectfully traverses this rejection for at least the following reasons.

With respect to independent claim 2, the Examiner acknowledges that Fox does not clearly teach traversing data block links leading to discovery of cross-subject affinities.

However, the Examiner alleges that Egendorf teaches traveling information or data of a document's rank, that is the closer it will be placed to the beginning of the result list based on the count of the terms in the document for getting the affinity (sections 0036, 0057 and 0060).

Therefore, the Examiner alleges that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Fox

with the teachings of Egendorf. The Examiner states that one having ordinary skill in the art would have found it motivated to utilize the use of traveling or traversing information to find out an affinity group the affinity as disclosed (Egendorf's section 0036 and 0060), into the system of Fox for the purpose of searching for information in a plurality of information sources and searching databases on the Internet, thereby, solving the problem of finding current information in an increasingly broad, large scale in the Internet network (Egendorf's sections 0001 -0002 and 0052).

First, Applicant respectfully submits that it would not have been obvious to combine Fox and Egendorf, as alleged by the Examiner, to arrive at the claimed invention.

A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention (e.g., see M.P.E.P. § 2142.02, *citing* W.L. Gore & Associates, Inc., v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983)).

A *prima facie* case of obviousness may also be rebutted by showing that the art, in any material respect, teaches away from the claimed invention (e.g., see M.P.E.P. § 2144.05(III), *citing* In re Geisler, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed. Cir. 1997)).

As mentioned above, the Examiner alleges that Egendorf teaches “traveling information or data of a document’s rank, that is the closer it will be placed to the beginning of the result list based on the count of the terms in the document for getting the affinity” (sections 0036, 0057 and 0060).

However, Applicant notes that Fox specifically teaches away from counting the terms in the document for getting an affinity because counting the terms in the document results in more computation time, since the frequency of counts must be updated or recomputed as new data is entered (e.g., see Fox at paragraph [0054], and paragraph [0055], lines 1-8).

Indeed, these teachings of Egendorf appear to be similar to the conventional methods and systems described by Applicant in the present application (e.g., see page 5, lines 4-9), and by Fox at paragraph [0054], and paragraph [0055], lines 1-8.

In contrast to Egendorf and the conventional methods and systems, the present invention discloses that a specific metadata method can be used to place the data blocks in the N-dimensional space to thereby ensure that the distance relationship between any two points reflects the “affinity” of the data stored at the specific coordinates (e.g., see specification at page 16, lines 2-5).

The present invention specifically discloses that a “data block is said to have “affinity” to another data block if both data blocks have high search score results for at least one subject. The mapping space has N dimensions, where N is the number of subjects. The distance relationship is the sum of the distances according to all subjects, and will therefore provide a meaningful measure of the affinity of any two data blocks” (e.g., see specification at page 16, lines 6-11).

The present invention discloses that the mapping relationship utilized to place the data blocks in the N-dimensional coordinate system is a key aspect of the present invention (e.g., see specification at page 16, lines 6-11; see also, e.g., page 16, line 12, to page 19, lines 16).

The present invention allows plotting documents in space based on their content which allows a user to quickly go to the documents and see their relationship (their affineness or “closeness”) based on the calculation of the distance function, without traversing each link, without clicking on each link and without getting deeper and deeper into a search (e.g., a vertical search in which the user is forced to go to the top of the search time after time). Instead, according to the claimed invention, based on the proximity list, the user is able to traverse documents horizontally as opposed to only vertically, to find the document(s) most relevant to the information sought (e.g., see specification at page 20, lines 1-9).

It is noted that claims 2-10, 22, 24-32, 44, 45, and 47-51, respectively, define the above features of the invention.

Applicant submits that, by teaching counting the terms of the document, Egendorf clearly teaches away from the claimed invention, as well as the teachings of Fox.

Hence, Applicant respectfully submits that it would not have been obvious to combine Fox and Egendorf, as alleged by the Examiner, to arrive at the claimed invention.

Moreover, even assuming *arguendo* that such a combination would have been made, Applicant submits that there are features of claim 2 which are not disclosed or suggested by Fox and Egendorf, either individually or in combination.

As mentioned above, Egendorf merely teaches the counting of terms, which the Examiner compares to the claimed “*cross-subject affinities*”.

However, as described above, the discovery of such cross-subject affinities according to the claimed invention is not based on the counting of terms, as in Egendorf.

Instead, the present invention allows plotting documents in space based on their content which allows a user to quickly go to the documents and see their relationship (their affineness or “closeness”) based on the calculation of the distance function, without traversing each link, without clicking on each link and without getting deeper and deeper into a search (e.g., a vertical search in which the user is forced to go to the top of the search time after time). According to the claimed invention, based on the proximity list, the user is able to traverse documents horizontally as opposed to only vertically, to find the document(s) most relevant to the information sought (e.g., see specification at page 20, lines 1-9).

Thus, even assuming *arguendo* that it would have been obvious to combine Fox and Egendorf, the resulting combination of these references still would not teach or suggest all of the features of the claimed invention.

For the reasons set forth above, Fox and Egendorf, either individually or in combination, do not disclose or suggest all of the features of the claimed invention.

Therefore, the Examiner is requested to withdraw this rejection and to permit claims 2-10, 22, 24-32, 44, 45, and 47-51 to pass to immediate allowance.

B. Claims 11-17 and 33-39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fox in view of Egendorf, and further in view of Egger.

Applicant respectfully submits that there are features of the claimed invention which are not disclosed or suggested by Fox, Egendorf, and Egger, either individually or in combination. Therefore, Applicant respectfully traverses this rejection for at least the following reasons.

First, for somewhat similar reasons as those set forth above, Applicant submits that it would not have been obvious to combine Fox and Egendorf, to arrive at the features of base claims 2 and 24, from which claims 11-17 and 33-39 depend.

Moreover, Applicant submits that Fox and Egendorf, either individually or in combination, do not disclose or suggest all of the features of claims 2 and 24, from which claims 11-17 and 33-39 depend.

Further, Egger does not make up for the deficiencies of Fox and Egendorf, and indeed, is not relied upon for such teachings.

Thus, Applicant submits that claims 11-17 and 33-39 also are patentable over Fox, Egendorf, and Egger, either individually or in combination.

For the reasons set forth above, Fox, Egendorf, and Egger, either individually or in combination, do not disclose or suggest all of the features of the claimed invention.

Therefore, the Examiner is requested to reconsider and withdraw this rejection and to permit claims 11-17 and 33-39 to pass to immediate allowance.

V. CONCLUSION

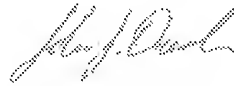
In view of the foregoing, Applicant submits that claims 2-17, 22, 24-39, 44, 45, and 47-51, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

Date: November 29, 2006



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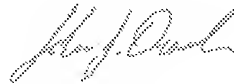
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CERTIFICATE OF TRANSMISSION

I certify that I transmitted via USPTO Electronic Filing System (EFS) the enclosed Request for Reconsideration under 37 C.F.R. § 1.116 to Examiner Anh Ly, Group Art Unit 2162, on November 29, 2006.



John J. Dresch, Esq.
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